

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 11 case

Rebecca G. Wilkinson, D.V.M. &
Associates, P.A.

BKY 04-30819-DDO

Debtor.

**RESPONSE AND OBJECTION TO MOTION OF
ASSOCIATED BANK MINNESOTA FOR RELIEF FROM THE AUTOMATIC STAY**

Creditor Gary A. Steen, and related parties Ann M. Steen and Animal Instincts, Ltd., as their interests may appear, ("Objectors"), hereby respond and object to the Motion for Relief from Stay by Associated Bank Minnesota, N. A. ("Bank"), filed herein as docket number 21-1. The grounds for this objection are as follow:

1. One or more of the Objectors held a prepetition security interest in tangible and intangible personal property of the Debtor located at 13060 Central Avenue NE, Blaine, Minnesota (the "Security Interest").
2. As set out in the Bank's Objection to Objectors' cash collateral agreement with the Debtor, the financing statement perfecting said Security Interest may have lapsed prior to the commencement of the case, during the 90 day preference avoidance period set out in Bankruptcy Code section 547. See docket number 16-1, at ¶¶ 6 –7.
3. The Bank is likely to claim a lien interest in the collateral that was the subject of the Objectors' Security Interest, which lien interest would be the senior lien of record, by virtue of the lapse of Objectors' financing statement.
4. The improvement of position of the Bank's lien interest occasioned by such a lapse of Objectors' financing statement is a voidable preferential transfer.
5. The Bank's motion should be denied, or else any order granting such motion should qualify the relief by excluding the collateral which was the subject of the Objectors' Security Interest.

WHEREFORE Objectors pray that the Court make its Order accordingly.

Dated: September 2, 2004

THOMAS F. MILLER, P.A.
BY /E/ THOMAS F. MILLER
Thomas F. Miller, Lic. No. 73477
130 Lake Street West
Wayzata, MN 55391
Tel.: (952) 404-3896
Fax: (952) 404-3893
Email: Thomas@Millerlaw.com
Attorneys for Objectors

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, the undersigned Thomas F. Miller, hereby declare under penalty of perjury that on September 2, 2004, I served the within Response upon the following, by sending copies thereof to them in the manner indicated:

John Stoebner, Esq.

By email attachment to: JStoebner@lapplibra.com

And by Fax to: (612) 338-6651

Office of the United States Trustee

By fax: (612) 664-5516

By email attachment to: Sarah.J.Wencil@usdoj.gov

James A. Rubenstein

By fax: 612-339-6686

By email attachment to: rubenstein@moss-barnett.com

Dated: September 2, 2004

/e/ Thomas F. Miller

Thomas F. Miller, Lic. 73477